

AMENDED IN ASSEMBLY MAY 10, 2007

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 446**

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**Introduced by Assembly Member Soto**

February 16, 2007

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An act to amend Section 798.73 of the Civil Code, relating to mobilehomes.

### LEGISLATIVE COUNSEL'S DIGEST

AB 446, as amended, Soto. Mobilehomes.

Existing law generally prohibits the removal of a mobilehome from a mobilehome park in the event of its sale to a 3rd party during the term of the homeowner's rental agreement or in the 60 days following the provision of a specified notice. Existing law permits park management to require removal of a mobilehome upon its sale to a 3rd party, in order to upgrade the quality of the park, if it is not a mobilehome, as defined, if it is over a specified number of years old, or if it is in a significantly rundown condition.

This bill would prohibit management of a park from requiring removal of a mobilehome from a park upon its sale to a 3rd party, as described above, unless management ~~establishes the particular condition that permits its removal and provides~~ *has provided* to the homeowner notice particularly ~~specifies that~~ *specifying the condition that permits its removal*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 798.73 of the Civil Code is amended to read:

798.73. The management may not require the removal of a mobilehome from the park in the event of its sale to a third party during the term of the homeowner's rental agreement or in the 60 days following the initial notice required by paragraph (1) of subdivision (b) of Section 798.55. However, in the event of a sale to a third party, in order to upgrade the quality of the park, the management may require that a mobilehome be removed from the park where:

(a) It is not a "mobilehome" within the meaning of Section 798.3.

(b) It is more than 20 years old, or more than 25 years old if manufactured after September 15, 1971, and is 20 feet wide or more, and the mobilehome does not comply with the health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(c) The mobilehome is more than 17 years old, or more than 25 years old if manufactured after September 15, 1971, and is less than 20 feet wide, and the mobilehome does not comply with the construction and safety standards under Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(d) It is in a significantly rundown condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age. The management shall use reasonable discretion in determining the general condition of the mobilehome and its accessory structures. The management shall bear the burden of demonstrating that the mobilehome is in a significantly rundown condition or in disrepair. The management of the park may not require repairs or improvements to the park space or property owned by the management, except for damage caused by the

1 actions or negligence of the homeowner or an agent of the  
2 homeowner.

3 (e) The management shall not require a mobilehome to be  
4 removed from the park, pursuant to this section, unless ~~both of the~~  
5 ~~following are true:~~

6 ~~(1) The management has established that the mobilehome is~~  
7 ~~described by subdivision (a), (b), (c), or (d).~~

8 ~~(2) The~~ *the* management has provided to the homeowner notice  
9 particularly specifying the condition that permits the removal of  
10 the mobilehome.